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January 2, 2024

VIA ECF

The Hon. Robert B. Kugler
United States District Judge
USDJ, District of New Jersey
Mitchell H. Cohen Building
& U.S. Courthouse
4th & Cooper Streets, Room 1050
Camden, NJ 08101

Special Master the Hon. Thomas Vanaskie
Stevens & Lee
1500 Market Street, East Tower
18th Floor
Philadelphia, PA 19103

RE: *In re Valsartan, Losartan, and Irbesartan Products Liability Litigation*, No. 1:19-md-2875-RBK-KMW (D.N.J.)

Dear Judge Kugler and Judge Vanaskie:

I write on behalf of the Defendants' Executive Committee to inform the Court that Defendants wish to address the agenda topics below at the conference with the Court on January 4, 2024, and to set forth our positions on those items.

I. Third-Party Payor Fact Sheet for Losartan/Irbesartan Cases

Counsel for Third-Party Payor ("TPP") Plaintiffs and Defendants in the losartan and irbesartan cases have continued to meet and confer and negotiate the content of the TPP Plaintiff Fact Sheet for the losartan and irbesartan cases. While the parties have reached agreement with respect to a substantial portion of the content of that TPP Plaintiff Fact Sheet, the parties anticipate that there will be some issues on which agreement is not reached. Therefore, the parties request that at the status conference on January 4, 2024, the Court set a schedule for letter briefing and a hearing on

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any issues that the parties do not reach agreement on with respect to the TPP Plaintiff Fact Sheet for the losartan and irbesartan cases.

II. Discussion Regarding The Court's Preferences For Filing Of Pre-Trial Order And Status Of Meet & Confer Regarding Same

Counsel for Plaintiffs and the TPP Trial Defendants are conferring regarding a proposed schedule to complete the Final Pretrial Order and related items, including motions *in limine* and a jury questionnaire. The parties will be prepared to discuss the timing and format of the Final Pretrial Order and related materials, subject to the Court's preferences, at the Case Management Conference.

III. Time Limits For Supplemental Depositions Of TPP Trial Damages Experts

The parties are conferring regarding potential limits on the supplemental depositions of damages experts, and may ask Judge Vanaskie to decide the matter if they are not able to come to an agreement.

IV. PFS Deficiencies And Orders To Show Cause

Cases Addressed At The December 6, 2023 Case Management Conference:

The Court issued 7 show cause orders returnable at the January 4, 2024 Case Management Conference:

1. *E/O Alexandra Samocha v. Hetero, et al.* – 21-cv-17384
2. *Benjamin Andrews v. ZHP, et al.* – 21-cv-10908
3. *E/O Pauline Harris v. Aurobindo, et al.* – 23-cv-03016
4. *Ocie Mae Haughton v. Aurobindo, et al.* – 23-cv-3646
5. *Mary Hines v. ZHP, et al.* – 23-cv-2674
6. *Barbara Kaluhiokalani v. Hetero, et al.* – 23-cv-2550
7. *Robert Kennedy v. Aurobindo, et al.* – 23-cv-13282

The issues in the *Harris*, *Hines*, and *Kaluhiokalani* matters are resolved, and the show cause orders may be withdrawn.

The issues in the *Samocha*, *Andrews*, *Haughton*, and *Kennedy* matters remain unresolved, but the parties agree to an extension of the show cause orders until the next Case Management Conference.

Second Listing Cases – Order to Show Cause Requested:

Pursuant to CMO-16, the Plaintiff Fact Sheets in the below cases are substantially incomplete and contain core deficiencies. Each of these cases was previously listed on the agenda for a prior CMC. This list was provided to Plaintiffs' leadership on December 15, 2023, and individual meet and

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confers were attempted with each Plaintiff. Accordingly, Defendants request that an Order to Show Cause be entered in each of these cases, returnable at the next Case Management Conference, as to why these cases should not be dismissed.

Defense counsel will be prepared to address the individual issues with respect to each of these cases, to the extent necessary, during the January 4, 2024 Case Management Conference:

| | Plaintiff | Civil Action No. | Law Firm | Deficiencies | Deficiency Sent |
|----|--|-------------------------|-----------------|--|------------------------|
| 1. | Tom Davidson v. ZHP, et al. | 23-cv-11870 | Fleming Nolen | Largely deficient PFS; need authorizations | 11/14/23 |
| 2. | Stelios Mantalis v. Aurobindo Pharma, Ltd. | 23-cv-14463 | Nigh Goldenberg | No PFS Filed | 11/11/2023 |

Due to the timing of the January 4, 2024 Case Management Conference and difficulties coordinating meet and confers over the holidays, Defendants have agreed not to include any new, first-listing cases this month. Defendants will resume identifying first-listing cases on the position statement for the next Case Management Conference.

Respectfully Submitted,

Jessica Davidson

cc: All counsel of record (via ECF)